

# **EXHIBIT D**

**Dalton, Amy**

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**From:** Cutler, Joseph P. (Perkins Coie)  
**Sent:** Friday, December 05, 2008 9:32 AM  
**To:** 'steve@stevevachani.com'  
**Subject:** Re: Power.com Cease and Desist Action Response

We can have a call at 11:00 AM. Let's use the following call-in number:

1-888-820-8656  
Passcode: 5409887#

Please respond to confirm that you will make the call.

Thank you!

Joe

Joseph P. Cutler  
Attorney at Law  
Perkins Coie, LLP  
206. 359. 6104 (Office)  
206. 359. 7104 (Fax)  
[jcutler@perkinscoie.com](mailto:jcutler@perkinscoie.com)

-----Original Message-----

From: steve@stevevachani.com <steve@stevevachani.com>  
To: felipe.herrera@powerinc.net <felipe.herrera@powerinc.net>; Cutler, Joseph P. (Perkins Coie)  
CC: McCullagh, James R. (Perkins Coie); Mrazik, Ryan T. (Perkins Coie); Demetrescu, Nicole (Perkins Coie)  
Sent: Thu Dec 04 11:08:43 2008  
Subject: Re: Power.com Cease and Desist Action Response

We would be open to a meeting with you or anyone at Facebook to discuss an agreeable solution to this. Since you pointed out a range issues, we think it would be best to sit down with the appropriate members of your team and at Facebook to discuss a solution. We are open and can sit down at your convenience next week. What day would be good for you guys? I am currently here in San Francisco.

Please communicate with myself and Felipe directly on all matters related to this issue.

Thanks,  
Steve

--- On Thu, 12/4/08, Cutler, Joseph P. (Perkins Coie) <[JCutler@perkinscoie.com](mailto:JCutler@perkinscoie.com)> wrote:

From: Cutler, Joseph P. (Perkins Coie) <[JCutler@perkinscoie.com](mailto:JCutler@perkinscoie.com)>  
Subject: Power.com Cease and Desist Action Response  
To: steve@stevevachani.com, felipe.herrera@powerinc.net  
Cc: "McCullagh, James R. (Perkins Coie)" <[JMcCullagh@perkinscoie.com](mailto:JMcCullagh@perkinscoie.com)>, "Mrazik, Ryan T. (Perkins Coie)" <[RMrazik@perkinscoie.com](mailto:RMrazik@perkinscoie.com)>, "Demetrescu, Nicole (Perkins Coie)" <[NDemetrescu@perkinscoie.com](mailto:NDemetrescu@perkinscoie.com)>, hostmaster1@poweremail.org  
Date: Thursday, December 4, 2008, 10:39 AM

Mr. Vachani and Mr. Herrera,

We represent Facebook, Inc. in Palo Alto, California. I just spoke with Leigh Power regarding the cease and desist letter we sent to him on December 1, 2008. That letter demanded that Power.com cease and desist soliciting Facebook user login information, scraping content from Facebook and displaying it on Power.com, sending unsolicited commercial messages to Facebook users, and otherwise using Facebook for a commercial purpose without Facebook's authorization. In that letter, we stated that we needed to hear back from your organization by the end of business on December 3, 2008. Mr. Power informed me that he has forwarded our letter to you for response, but as of today, December 4, 2008, we have received no such response.

Facebook continues to consider the options available to remedy this urgent matter, and demands a response from you by the end of business on Friday, December 5, 2008 confirming that you have complied with the demands set forth in our letter to Mr. Power.

Please feel free to contact me directly with any questions you might have.

Sincerely,

Joe

Joseph P. Cutler | Perkins Coie LLP

Attorney at Law

1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

[jcutler@perkinscoie.com](mailto:jcutler@perkinscoie.com) <<mailto:jcutler@perkinscoie.com>>

206.359.6104 (office) | 206.359.7104 (fax)

Professional Biography

<[http://www.perkinscoie.com/professionals/professionals\\_detail.aspx?professional=139](http://www.perkinscoie.com/professionals/professionals_detail.aspx?professional=139)>

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